IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 19739 of 1996

Between:

1 A.Rajmohan Reddy, S/o.Kista Reddy,
APS Housing Corporation Ltd., Nirmal, R/o. Venkatapur ,
Adilabad Dist.
2 A.Laxminaryana, S/o. Hanmanlu,
APS Housing Corporation Ltd., Nirmal, R/o.Kadthal,Nirmal (M),
Adilabad Dist.
3 Mohd.Kaleemuddin, S/o. Mohd.Naseeruddin,
APS Housing Corporation Ltd., Nirmal, R/o.Nirmal ,
Adilabad Dist.
4 Mohd.Nihal Ahmed, S/o. Mohd.Iqbal Ahmed,
APS Housing Corporation Ltd., Nirmal, R/o.Nirmal ,
Adilabad Dist.
5 B.Gopal Krishna Rao, S/.o. B.Rajamallu,
APS Housing Corporation Ltd., R/o.Warangal.
6 Asfaq Ahmed Farooquee, S/o. Farooqui Ali,
APS Housing Corporation Ltd., R/o.Karimnagar.
7 M.A.Saleem, S/o. M.A.Lateef, R/o.Nirmal ,
Adilabad Dist.
8 Mohd. Shakeel Ahmed, S/o. Ahmed Pasha,
R/o.Nirmal ,Adilabad Dist.
9 Abdulla Khan, S/o. Samaulla Khan,
APS Housing Corporation Ltd., Mudhole, Adilabad Dist.
10 M.A.Kaleem, S/o. M.A.Qayyum,
APS Housing Corporation Ltd., Nirmal, R/o.Nirmal ,
Adilabad Dist.
11 Khaja Maqsood Ali, S/o. Khaja Ahamad Ali,
APS Housing Corporation Ltd., Adilabad Dist.
12 Aijaz Ahmed Khan, S/o. Rasheed Khan,
APS Housing Corporation Ltd., Nirmal, R/o.Nirmal ,
Adilabad Dist.
13 Najamuddin, S/o. Najamuddin,
APS Housing Corporation Ltd., Adiliabad, Adilabad Dist.

14 Santhosh Sagade, S/o. Narayan Rao,
APS Housing Corporation Ltd., Adiliabad, Adilabad Dist.

..... PETITIONERS

AND

1. The A.P.State Housing Corporation Ltd., rep.by it's Managing

Director , Himayatnagar, Hyderabad.
2 The Dist. Collector/Executive Director, The A.P.State Housing

Corporation Ltd., Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in keeping the petitioners on daily wages from 1992 depriving the regular scale of pay attached to the post of Work Inspector as illegal, arbitrary and unfair labour practice on the part of the respondents and also the action ,when district is the unit, seeking to fill up the posts in Adilabad Dist. bringing outsiders from other districts as illegal , arbitrary and contrary to the principles enunciated under Art.371-D of the constitution and also the action in not paying the regular scale of pay while taking the work as Work Inspector and not regularising the services of the petitioners as illegal, arbitrary and violative of Art.14&15 of the Constitution of India .

Counsel for the Petitioners:MR.M.PANDURANGA RAO

Counsel for the Respondents: MR.V.CH.NAIDU

The Court made the following :

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O R D E R:

Aggrieved by the conduct of the respondent in continuing the petitioner on daily wages since 1992, deprived of the regular scales of pay attached to the post of Work Inspector by bringing of persons from other districts for employing them as work inspectors in place of the petitioners and seeking regularization into service on the ground of long temporary service, the writ petition is filed.

Petitioners claim to have been appointed as work inspectors since 1987. Earlier when they were terminated from service they filed W.P.No.15026 of 1997. Thereafter, they were continued in service without intermittent breaks. In so far as the complaint that the respondents are bringing persons belonging to other districts, the petitioners contend that Rule 9 of the A.P.State Housing Corporation employees special service Rules declares a district as the unit of the appointment and recruitment in so far as the category of Work Inspectors is concerned and on this basis, under the rule position, they contend that persons from out side district could not have been brought in for employment as work inspectors. All the petitioner's claims are based on long service. On the basis of long service, though on temporary basis they claim the benefit of regularization in service.

The respondent-corporation has filed a counter affidavit. It is stated that the petitioners were appointed in 1987 on the basis of the estimated workload for 89 days. However, they were continued in service till completion of the particular work in view of the directions granted by this Court in an earlier writ petition filed by the petitioners. They were admitted into service as fresh candidates on various days in the years 1992-93. It is also stated that the break in service for most of the petitioners was more than three years and therefore, they do not have a continuous period of even temporary service. In so far as the unit of appointment is concerned, the counter affidavit asserts that pursuant to the clarification of the State Government in its letter dated 31-01-1992 that the provisions of the A.P.Public Employment (Organization of Local Cadres and Regulation of Direct Recruitment) order 1975 is not applicable. The board of the respondent-corporation therefore had altered the service rules regarding the unit of recruitment from a District to State wide in so far as all the posts in its establishment are concerned.

In view of the above development it is axiomatic that the petitioners contention that people from other districts could not be brought here cannot commend acceptance by this Court. Petitioners claim for the benefit of regularization in service is equally misconceived. As and when recruitment to the posts of working inspector is resorted to, the petitioners, if eligible and

qualified can also compete in the said recruitment for regular appointment. No rule of the respondent-corporation has been brought to the notice of this Court which entitles regularization of long standing employees nor enables regularization of irregular employees as a legitimate method of recruitment. In the circumstances, the relief sought by the petitioner cannot be granted. If the respondents require continued employment of the petitioners and if their conduct and performance is otherwise satisfactory, nothing in this order bars the respondents from engaging the petitioners or in continuing them in service.

For the aforesaid reasons, I find no merits in this writ petition. Accordingly, the writ petition is dismissed.

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02-11-2004

MJL/*

1. The A.P.State Housing Corporation Ltd., rep.by it's Managing

Director , Himayatnagar, Hyderabad.

2 The Dist. Collector/Executive Director, The A.P.State Housing

Corporation Ltd., Adilabad.

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